

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 LENNY JIMENEZ-BELTRE)

CRIMINAL NO. 04-40011-FDS

UNITED STATES'S SUPPLEMENTAL SUBMISSION

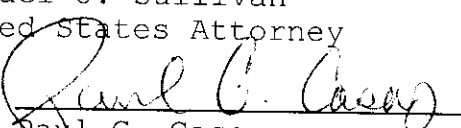
The United States of America, through the undersigned attorney, files the following records to supplement the record in advance of the sentencing hearing currently scheduled for February 15, 2005:

1. Certified copy of conviction and criminal docket for MICR2000-00819, marked as Exhibit A;
2. Affidavit of Immigration and Customs Enforcement Investigative Assistant Doug Demais, marked as Exhibit B; and
3. Affidavit of Sergeant John Diliddo of the Worcester County Sheriff's Department, marked as Exhibit C.

Respectfully submitted,

Michael J. Sullivan
United States Attorney

By:


Paul G. Casey
Assistant U.S. Attorney

February 9, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this 9th day of February, 2005, served upon the person listed below a copy of the foregoing document by facsimile and Federal Express:

James B. Krasnoo, Esq.
43 Main Street,
Terrace Level
Andover, MA 01810

A handwritten signature in cursive script, appearing to read "Paul G. Casey", is written over a horizontal line.

Paul G. Casey
Assistant U.S. Attorney

Commonwealth of Massachusetts
MIDDLESEX SUPERIOR COURT
Case Summary
Criminal Docket

MICR2000-00819
Commonwealth v Rivera, Hector Cintron

File Date	06/28/2000	Status	Disposed (sentenced) (dsenimp)
Status Date	02/04/2002	Session	6 - Crim 6 (Lowell)
Jury Trial	Unknown	Origin	I - Indictment
Lead Case			

Trial Deadline	08/14/2001	Deadline Status	Deadline active since return date	Status Date	08/14/2000
Weapon		Custody Status		Start Date	
Arraignment	08/14/2000	Substance		Prior Record	Unknown
		PTC Deadline	11/12/2000	Pro Se Defendant	No

OFFENSES

Num	Offense	Code	Status	Status Date
1	10/19/1999	094C:032A:c	Guilty plea (lesser offense)	02/04/2002
	Class B substnc, phencyclidine/cocaine, distrib/manufac			
2	10/19/1999	094C:032J	Guilty plea	02/04/2002
	Controlled substnc, school property			
3	10/19/1999	090:024:2a.1	Filed (guilty plea)	02/04/2002
	Operate MV recklessly/negligently, endangerment			
4	10/19/1999	090:025	Filed (guilty plea)	02/04/2002
	Refuse to give name, liscense, reg, fail to stop MV for police officer			
5	10/19/1999	268:034A	Filed (guilty plea)	02/04/2002
	Furnishing false name or SS# to Law enforcement officer/official			

PARTIES

Plaintiff
Commonwealth
Gender: Unknown
Active 06/28/2000

Private Counsel 638368
Peter F Russell
Mass Atty General's Office
200 Portland Street
Boston, MA 02114
Phone: 617-727-2200
Fax: 617-727-5768
Inactive 09/20/2001

District Atty's Office 637901
Suzanne M Kontz
Middlesex County District Atty's Office
Sexual Assault Division
21 McGrath Highway
Somerville, MA 02143
Phone: 617-591-7740
Fax: 617-629-0224
Active 09/20/2001 Notify

EXHIBIT**A**

Commonwealth of Massachusetts

MIDDLESEX SUPERIOR COURT

Case Summary

Criminal Docket

MICR2000-00819

Commonwealth v Rivera, Hector Cintron

Defendant

Hector Cintron Rivera
 Gender: Male
 Active 06/28/2000

Private Counsel 555491

J Daniel Silverman
 669 Main Street
 Wakefield, MA 01880
 Phone: 781-245-9019
 Fax: 781-246-0850
 Active 08/15/2000 Notify

Alias deft name

Victor Rivas
 Gender: Male
 Active 06/28/2000

ENTRIES

Date	Paper	Text
06/28/2000	1.0	Indictment returned
08/11/2000		Habeas corpus issued to Keeper Jail, Cambridge for 08/14/00
08/14/2000	2.0	Affidavit of indigency filed; approved (Charles Grabau, J.) P.O. Shawn
08/14/2000	3.0	Appointment of Counsel J Daniel Silverman
08/14/2000		Appearance of Commonwealth's Atty: Peter F Russell . Filed In Court
08/14/2000		Deft arraigned before Court Grabau, J.
08/14/2000		RE Offense 1:Plea of not guilty
08/14/2000		RE Offense 2:Plea of not guilty
08/14/2000		RE Offense 3:Plea of not guilty
08/14/2000		RE Offense 4:Plea of not guilty
08/14/2000		RE Offense 5:Plea of not guilty
08/14/2000		Bail set: \$15,000 cash (Grabau, J.)
08/14/2000		Deft notified of right to request drug exam
08/14/2000		Bail warning read in open Court
08/14/2000		Mittimus issued not recognizing
08/14/2000		Continued until 09/14/2000 PTC
08/14/2000		Reporter present: J. Lynch
08/17/2000	4.0	Mittimus not Recog.--Indictments returned with service
12/24/2001	5.0	Motion by Deft: For Statements Of Cooperating Individuals
12/24/2001	6.0	Motion by Deft: For Production Of Documentary Evidence
12/24/2001	7.0	Motion by Deft: For Leave To File Additional Discovery Requests And Further Motions After Receipt Of Discovery
12/24/2001	8.0	Motion by Deft: For Defendant's Statements
12/24/2001	9.0	Motion by Deft: For Production Of Physical Evidence
12/24/2001	10.0	Motion by Deft: For Exculpatory Evidence
12/24/2001	11.0	Motion by Deft: For Grand Jury Minutes
12/24/2001	12.0	Motion by Deft: To Inspect Grand Jury Exhibits
12/24/2001	13.0	Motion by Deft: For Production Of Witness Statements
12/24/2001	14.0	Motion by Deft: For Prior And Subsequent Bad Acts

MICR2000-00819

Commonwealth v Rivera, Hector Cintron

Date	Paper	Text
12/24/2001	15.0	Motion by Deft: For All Police Department Records
12/24/2001	16.0	Motion by Deft: To Be Furnished With Statements Of Promises, Rewards Or Inducements
02/04/2002	17.0	Deft files Waiver of Rights
02/04/2002		Plea of not guilty changed to guilty; accepted (Haggerty, J)
02/04/2002		RE Offense 1:Guilty plea (lesser offense) - under 94C:32A(a)
02/04/2002		RE Offense 2:Guilty plea
02/04/2002		RE Offense 3:Filed (guilty plea)
02/04/2002		RE Offense 4:Filed (guilty plea)
02/04/2002		RE Offense 5:Filed (guilty plea)
02/04/2002		Defendant sentenced- Offense 001: HOC Billerica 2 and one half years/ 109 days to be served and deemed served. Balance suspended for one year. Deft as Pr and K. Daly as su. recog. in \$100 and on one year probation. Offense 002: HOC Billerica 2 years. This sentence to take effect from end after the expiration of the sentence imposed this day in 001and deemed served (Haggerty, J)
02/04/2002		All Fees: waived
02/04/2002		Reporter present: Bea Cunha
02/04/2002		Abstract sent to RMV and criminal investigations

MIDDLESEX, ss.

Commonwealth of Massachusetts

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this 6 day of November 2003

Clerk

Distribⁿ Of Cocaine
C. 94C, §32A (e)2PB
2/12/051097BS
4 Keen
Hend
Bals
SS
1/11

Commonwealth of Massachusetts

Middlesex, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE,

within and for the County of Middlesex, on the First Monday of June in the year of our Lord two thousand .

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That **Hector Cintron Rivera, A.K.A. Victor Rivas**

on the Nineteenth day of October in the year of our Lord nineteen hundred and ninety-nine at Lowell, in the County of Middlesex aforesaid, did knowingly or intentionally manufacture, distribute, dispense or possess with intent to manufacture, distribute, or dispense a controlled substance as defined in clause (4) of paragraph (a) of Class B of Section Thirty-one of Massachusetts General Laws Chapter 94C, to wit: cocaine or any mixture containing cocaine in violation of section 32A (c) of Massachusetts General Laws Chapter 94C.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Jan F. Pilecki
Foreman of the Grand Jury.

Christy Walsh
Assistant District Attorney.

Superior Court

June, Sitting, 20 0012TH day - Returned by the Grand Jury and filed in Court.

Richard J. McQuade
Assistant Clerk

ORIGINAL

2000 - 819 - 001

2004 Aug 14

Defendant is arraigned and pleads not guilty. (Graham)

2002 1st January 7
PLEA RETRACTED AND PLEA GUILTY
OFFERED AND ACCEPTED BY THE COURT
COMMONWEALTH MOVES FOR SENTENCE.
w/ c 94C § 37A(a)

Defendant is ordered to recognize
in the sum of \$ with surety
or \$ 15,000 cash.

Attitrus issued not recognizing.

with WOOD

Defendant notified of his right to all examination pursuant
to Chapter 111E, Section 10 of the General Laws as Amended.

The Defendant has been notified in
Open Court that the Commission of
a crime, while on bail may result in
Revocation of Bail

~~MISDEMEANOR~~

Failure to appear may result
in a fine of \$1,000 and/or one
year in the House of Correction.

~~FELONY~~

Failure to appear may result in a
fine of \$50,000 and/or 5 years in
a State Prison or 2 1/2 years in the
House of Correction.

Sentence-House of Correction

2 1/2 years / 105 days
to be served within
House of Correction

Balance

Sentence suspended for one year
2002 Feb 4 Dett. as Pr. and
C. Kelly as Su.

recog. in \$100.00, and on

probation, one year

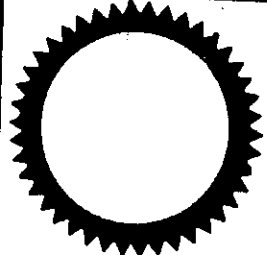
Asst. Clerk
Alfreda Chavis

cont to 9-14 PTC
Lynch report

MIDDLESEX, ss.

Commonwealth of Massachusetts
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I herunto
set my hand and affix the seal of said Superior Court
this 6 day of



Clerk

November 2003

Commonwealth of Massachusetts

Middlesex, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF CAMBRIDGE,

within and for the County of Middlesex, on the First Monday of June in the year of our Lord two thousand.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That **Hector Cintron Rivera, A.K.A. Victor Rivas**

on the **Nineteenth** day of **October** in the year of our Lord nineteen hundred and ninety-nine at **Lowell**, in the County of Middlesex aforesaid, **did violate the provisions of section(s) 32A(C) of Chapter 94C of the Massachusetts General Laws while in or on, or within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school whether or not in session.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Joan B. Piliavin
Foreman of the Grand Jury.

Christ J. Walsh
Assistant District Attorney.

Superior Court

June, Sitting, 20 00

12th day - Returned by the Grand Jury and filed in Court.

Deborah J. McGuire
Assistant Clerk

2000-819-002

2000-Aug 14

Defendant is arraigned and friends not at Mr. Graham

2002 February

PLEA RETRACTED AND PLEA GUILTY
OFFERED AND ACCEPTED BY THE COURT
COMMONWEALTH MOVES FOR SENTENCE.

Sentence-House of Correction

2 years

no sentence to take effect from end after the
of the sentence imposed this day in

doomed should 2000/8/19-001

By the Court
Magistrate

MIDDLESEX, ss.

Commonwealth of Massachusetts

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this 6 day of



Clerk

2002 November 2003
[Signature]

AFFIDAVIT OF DOUG DEMAIS

I, Doug Demais, being duly sworn, do hereby depose and state as follows:

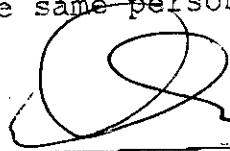
1. I am an investigative assistant for the Bureau of Immigration and Customs Enforcement ("ICE"), where I have served in that capacity for the last two and one-half years. My duties include participating in criminal investigations of possible violations of the various federal immigration statutes. Prior to my current job, I served in the United States Army for 31 years, retiring at the rank of Master Sergeant.

2. On February 8, 2005, at the request of AUSA Paul Casey, I obtained the alien file (# A76 682) 755) for Defendant Lenny Jimenez-Beltre and removed the following three items: 1) the ten print fingerprint card taken of defendant Jimenez's fingerprints by Sgt. John Diliddo (who is one of the fingerprint examiners for the Worcester County Sheriff's Department) on October 2, 2003; 2) the warrant of deportation for defendant Jimenez which includes a photograph of Jimenez, a right index fingerprint and an entry that reflects Jimenez was deported to the Dominican Republic on March 19, 2002; and 3) a ten print fingerprint card taken of Jimenez by ICE detention removal officer Domenico Federico on February 4, 2002, the day Jimenez was convicted and sentenced on felony drug charges in Middlesex County case numbers MICR2000-00819.

3. On February 9, 2005, I brought these items to Sgt. John

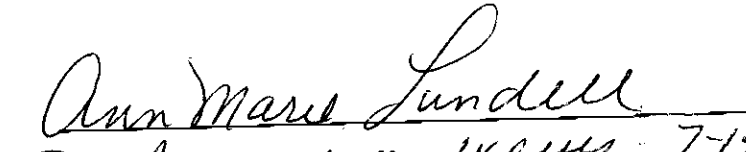


Diliddo so that he could compare the fingerprints contained in the three documents listed above. After examining the documents, Sgt. Diliddo advised me that the fingerprints contained in the documents were made by the same person.



Doug Demais
Investigative Assistant
Bureau of Immigration and Customs Enforcement

Subscribed and sworn to before me this 9th day of February, 2005.


My Commission Expires 7-19-2009

AFFIDAVIT OF JOHN DILIDDO

I, John Diliddo, being duly sworn, do hereby depose and state as follows:

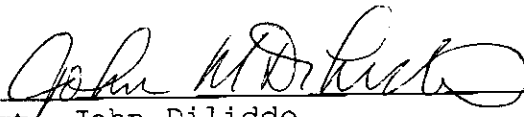
1. I am a deputy sheriff and fingerprint examiner for the Worcester County Sheriff. I currently hold the rank of Sergeant. I have been trained in fingerprint identification and comparison by the Federal Bureau of Investigation and estimate that I have been involved in examining thousands of fingerprints since 1990. I have testified as a expert in fingerprint identification in various courts in Worcester County, Middlesex County, Massachusetts Federal District Court and the New York Supreme Court.

2. On February 9, 2005, ICE Investigative Assistant Doug Demais brought me three documents in connection with the case of United States v. Lenny-Jimenez Beltre, 04-40011-FDS, and asked me to compare the fingerprints contained on the three documents. The documents are described as follows: 1) a ten print fingerprint card of defendant Jimenez-Beltre's fingerprints, taken by me on October 2, 2003; 2) a document entitled Warrant of Removal/Deportation for file # A76 682 755, which includes among other things a photograph of Jimenez-Beltre, and a right index fingerprint. The form was apparently executed on March 19, 2002; and 3) a ten print fingerprint card in the name of Lenny Jimenez Beltre, taken by ICE agents on February 4, 2002.

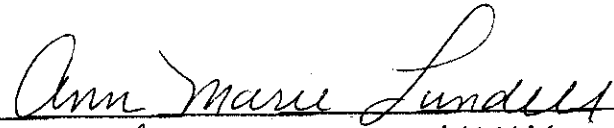
3. I have examined and compared the fingerprints contained



on the documents provided, and based my training and experience, including the fact that I took a set of fingerprints from Mr. Jimenez-Beltre, I conclude that these fingerprints were made by the same person, Lenny Jimenez-Beltre.


Sgt. John Diliddo
Identification Section
Worcester County Sheriff's Department

Subscribed and sworn to before me this 9th day of February, 2005.


my commission expires 7-19-2009